

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION**

**CIVIL NO. 5:98CV92**

**JAMES R. BARNES, and wife )  
DOROTHY G. BARNES; GRADY H. )  
BEARD, and wife SUZY M. BEARD; )  
JAMES L. COBB, and wife REBEKAH )  
COBB; BARNEY MERRILL GRANT, )  
and wife HAZEL GRANT; E.F. )  
GREENE, JR.; BENJAMIN D. )  
GROGAN, and wife HELEN D. )  
GROGAN; JOEANN S. HANCOCK, )  
Individually and as Representative of the )  
Estate of MARION HANCOCK, )  
Deceased; JERRY LEE HEWELL, and )  
wife JANICE HEWELL; BETTY S. )  
HONGISTO, Executrix of the Estate of )  
IVER OSCAR HONGISTO, Deceased; )  
VIRGINIA F. HORNE, Individually and )  
as Executrix of the Estate of JIMMY R. )  
HORNE, SR., Deceased; WILLIAM D. )  
JOYCE , and wife PATSY F. JOYCE; )  
ROBERT L. MAUNEY, and wife )  
TERESA MAUNEY; ROGER D. )  
PHILLIPS; GERALD W. RICHARDS, )  
and wife SUSAN H. RICHARDS; LARRY )  
K. BROOME, and wife TREVA E. )  
BROOME; ROGER D. CHURCH, and )  
wife LORETTA H. CHURCH; SHARON )  
C. COBB, Executrix of the Estate of )  
ORVIL L. CUPP, Deceased; ALTON L. )  
HUGHES, and wife LENA M. HUGHES; )  
CHARLES M. MCGINNIS, and wife )  
AVA P. MCGINNIS; and CURTIS H. )  
CUTHBERTSON, Administrator of the )  
Estate of HOY V. CUTHBERTSON, )  
Deceased, )  
)  
Plaintiffs, )  
)  
vs. )  
)  
)  
ACandS, INC., et al., (and D.B. Riley, )  
Inc.) )  
)  
Defendants. )**

**CONSENT ORDER OF DISMISSAL OF DEFENDANT**

COME NOW Plaintiffs **Grady H. Beard and wife, Suzy M. Beard; Wayne Beheler; Larry K. Broome and wife, Treva E. Broome; Roger D. Church and wife, Loretta H. Church; James L. Cobb and wife, Rebekah Cobb; Betty S. Hongisto, Individually and as Executrix of the Estate of Iver O. Hongisto, Deceased; Alton L. Hughes and wife, Lena M. Hughes; Robert L. Mauney and wife, Teresa Mauney; Charles M. McGinnis and wife, Ava P. McGinnis; and Gerald W. Richards and wife, Susan H. Richards only,**<sup>1</sup> and Defendant **D. B. Riley, Inc, f/k/a Riley Stoker Corporation,** by and through counsel, pursuant to Rule 41 (A)(2), Federal Rules of Civil Procedure, and hereby move the Court for an Order dismissing, **with prejudice**, all claims against Defendant D. B. Riley, Inc, f/k/a Riley Stoker Corporation, and no others in this civil action.

COME NOW Plaintiffs **James R. Barnes and wife, Dorothy G. Barnes; Sharon C. Cobb, Executrix of the Estate of Orvil L. Cupp, Deceased; Benjamin G. Grogan and wife, Helen D. Grogan; Barney Merrill Grant and wife, Hazel Grant; E.F. Greene, Jr.; Joe Ann Hancock, Individually and as Representative of the Estate of Marion Hancock, Deceased; Jerry Lee Hewell and wife, Janice Hewell; Virginia F. Horne, Individually and as Executrix of the Estate of Jimmy R. Horne, Deceased; William D. Joyce and wife, Patsy F. Joyce; and Roger D. Phillips, only,** and Defendant **D. B. Riley, Inc, f/k/a Riley Stoker Corporation,** by and through counsel, pursuant to Rule 41 (A)(2), Federal Rules of Civil Procedure, and hereby move the Court for an Order dismissing, **without prejudice**, all claims

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<sup>1</sup>

The Parties note that the claims of Curtis H. Cuthbertson, Administrator of the Estate of Hoy Cuthbertson, Deceased have been resolved and that a Consent Order of Dismissal will be filed when a new Personal Representative is appointed, the requisite Release is signed and payment is remitted on said claim.

against Defendant D. B. Riley, Inc, f/k/a Riley Stoker Corporation, and no others in this civil action.

**IT IS SO ORDERED.**

Signed: February 10, 2007



Lacy H. Thornburg  
United States District Judge



**PREPARED AND SUBMITTED :**

/s/ Teresa Lazzaroni

Teresa Lazzaroni  
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**CONSENTED TO BY:**

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/s/ Janet Ward Black

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